

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoshitsugu Morita et al.
Serial No.: 10/578,798
Group Art Unit: 1796
Filed: January 12, 2007
Examiner: Robert S. LOEWE
For: CURABLE SILICONE COMPOSITION AND CURED PRODUCT
THEREOF

DECLARATION UNDER 37 CFR § 1.132

Mail Stop AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Hiroshi Ueki, hereby state that:

1. I am a citizen of Japan.
2. I am currently employed in an Associate Process Engineer Specialist for Dow Corning Toray Company, Limited, and have been employed by Dow Corning Toray Company, Limited for 20 years.
3. I have an Associate of Arts degree from Nagaoka National College of Technology in Japan, and I have 20 years of experience with silicone chemistry technologies.
4. I am the third named inventor for the invention described in U.S. Application Serial No. 10/578,798, and I am also the second named inventor for the invention described in PCT Publication No. WO 03/072656 (hereinafter referred to as the '656 publication).

5. For the compositions described in the '656 publication, phenolic resins are described and are employed in the compositions for the primary purpose of providing flame retardant properties.

6. It is true that phenolic resins are described in the '656 publication that can contain chemically-bonded silane, polyalkylsiloxane, or fluoroalkyl groups for the purpose of improving water repellency of the resultant cured products and to reduce stress in the cured products; however, water repellency and stress reduction are not a primary focus for the curable resins described in the '656 publication and are merely properties that can be improved in the resultant cured products through the optional inclusion of the chemically-bonded silane, polyalkylsiloxane, or fluoroalkyl groups in the phenolic resins. The primary focus for the phenolic resins is on flame retardant properties, as made clear by the indication in paragraph [0031] that phenol aralkyl type phenolic resins are preferred due to superior flame retardant properties thereof.

7. While silane and polyalkylsiloxane groups can be chemically bonded to the phenolic resins described in the '656 publication, there was no intention for the phenolic resins to have siloxanes in the main chain. This fact is made clear when it is considered that component (I) in paragraph [0028] describes suitable curable resins as including silicone epoxy resins as an alternative to the described phenolic resins. However, no reference is made to phenolic silicone resins or phenolic silane resins as being suitable.

8. In addition to the disclosure in paragraph [0028] of the '656 publication, paragraph [0031] lists numerous different genera of phenolic resins that do not include any type of phenolic siloxane or phenolic silane resins.

along with the indication in paragraph [0031] of the '656 publication that the phenolic resins can contain chemically-bonded silane, polyalkylsiloxane, or fluoroalkyl groups, means that the silane or polyalkylsiloxane, when present, are not included in the main chain of the phenolic resins but are rather merely substituents that are chemically bonded to a main chain of the phenolic resins.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true, and further that these statements were made with the knowledge that willful and false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Respectfully submitted,

Dated

July 2, 2009

Hiroshi Ueki

Hiroshi Ueki